

No. 11(112)-80-3 Lab/7792.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad/in respect of the dispute between the workmen and the management of M/s Century Engineering Company, Sector 24, Faridabad.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 69 of 1979

between

SHRI PAIMAN MANDAL, WORKMAN AND THE MANAGEMENT OF M/S CENTURY ENGINEERING COMPANY, SECTOR 24, FARIDABAD

Present.—Shri Bhim Singh Yadav for the Workman.

Shri R.S. Arora for the Management.

AWARD

This reference No. 69 of 1979 has been referred to this court by the Hon'ble Governor of Haryana, — *vide* his order No. ID/RD/13-80/8725, dated 19th February, 1980 under section 10(1)(c) of the Industrial Disputes Act, 1947, for the adjudication of the dispute existing between Shri Paiman Mandal, workman and the management of M/s Century Engineering Company, Sector 24, Faridabad. The terms of the reference were:—

“Whether the termination of services of Shri Paiman Mandal was justified and in order? If not, to what relief is he entitled?”

After receiving this reference, notices were issued to both the parties and both the parties appeared before this court, through their authorised representatives. On the pleadings of the parties, the following issues were framed on 28th April, 1980:—

1. Whether the relation between the parties is not that of Master and Servant ? If so, to what effect ? OPP

If issue No. 1 is decided in favour of the workman that the following issues will also be taken after.

2. Whether the termination of the services of the workman is proper, justified and in order? If so, to what effect ? OPM

3. Relief?

And the case was fixed for the evidence of the parties on Issue No. 1 for 21st May, 1980. On that day, the representative of the workman made a statement in this court that the workman had not worked in the respondent-Company and he further stated that the workman Shri Paiman Mandal was not the employee of the respondent-Company, as such, he does not want to pursue this reference. The representative of the workman had given the above statement after he examined the record of the respondent Company.

The above said fact was admitted by the representative of the management and stated that the management never employed Shri Paiman Mandal and as such, the question of his termination does not arise.

In view of the abve statement of both the parties, I give my award accordingly and it is held that the reference is bad, as no claim is made out of the workman against the management. No order as to costs. So this award is in answer of this reference.

Dated, the 31st May, 1980.

I. P. CHAUDHARY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Enst. No. , dated

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

I.P. CHAUDHARY,
Presiding Officer,
Labour Court, Haryana,
Fariabab.